

EXHIBIT G

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8 SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY
9 VIRGINIA TOM and PETER TOM,
10 individually and as Co-Guardians of L.C.S.T.,
a minor,
11 Plaintiffs,
12 vs.
13 SEATTLE CHILDREN'S HOSPITAL, a non-
14 profit Washington corporation,
15 Defendant.

NO.
COMPLAINT FOR DAMAGES

16 COME NOW the plaintiffs above-named, and for claims for relief against
17 defendant allege as follows:

18 1. IDENTIFICATION OF PLAINTIFFS
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20 1.1 Plaintiffs Virginia and Peter Tom are adults qualified to bring this
21 action. They are the parents of their minor son L.C.S.T., DOB 06.02.2002. Together
22 they reside in Whatcom County, Washington.

23 2. IDENTIFICATION OF DEFENDANT

24 2.1 Defendant Seattle Children's Hospital ("SCH") is a nonprofit
25 corporation organized under the laws of the State of Washington authorized to do
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1 business in the State of Washington. SCH is a "healthcare provider" within the
2 meaning of RCW 7.70 and was duly authorized to provide medical care and services
3 to L.C.S.T. There existed a fiduciary health care provider-patient relationship between
4 them.

5 2.2 SCH provided medical care and treatment to him through its agents and
6 employees, acting at all relevant times on behalf of defendant and within the scope of
7 their employment or agency (whether actual or ostensible).
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9 3. DATE OF OCCURRENCE

10 3.1 The care in question occurred in March 2018. This action is being
11 commenced within the applicable statute of limitations.

12 4. VENUE

13 4.1 Defendant is located in King County, and the alleged negligence
14 occurred in King County, Washington. Venue is proper in King County.
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16 5. SUMMARY OF CLAIMS

17 5.1 Plaintiffs Virginia and Peter Tom, as Co-Guardians of their minor child
18 L.C.S.T., bring this action on his behalf for injuries and damages damages
19 hereinafter alleged due to the negligence of defendant.

20 5.2 Further, plaintiffs Virginia and Peter Tom bring this action on their
21 own behalf pursuant to RCW 4.24.010, for harms they have personally suffered
22 including, but not limited to grief, emotional distress, and loss of consortium.
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24 6. NEGLIGENCE

25 6.1 As a health care provider, SCH owed to L.C.S.T. a duty to comply with
26 the standard of care for one of the profession or class to which it belongs.

1 6.2 SCH had a duty to exercise the degree of skill, care, and learning
2 expected of a reasonably prudent hospital in the State of Washington acting in the same
3 or similar circumstances at the time of the care or treatment in question.

4 6.3 Specifically, SCH had a duty to L.C.S.T. to take reasonably prudent
5 measures to prevent aspergillus from infecting L.C.S.T. in his operating room on March
6 23, 2018.

7 6.4 SCH failed to take reasonably prudent measures to prevent aspergillus
8 from infecting L.C.S.T. in his operating room on March 23, 2018.

9 6.5 Such failure constitutes a breach of the standard of care and is
10 negligence.

11 6.6 SCH is further alleged to be independently liable under the doctrine of
12 corporate negligence.

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14 7. INFERENCE OF NEGLIGENCE

15 7.1 The manner of injury to plaintiff L.C.S.T. and the attending
16 circumstances are of such a character which would warrant an inference that the
17 injuries would not have occurred if ordinary care had been exercised by defendant.

18 7.2 The agency, instrumentality or thing which produced the injury was at
19 all times under the control of defendant when the injury occurred; plaintiff L.C.S.T.
20 lacked control to take action to avert the injury; and the injury would not ordinarily
21 have occurred had the defendant exercised due care.

22 8. INFORMED CONSENT

23 8.1 Defendant failed to inform L.C.S.T.'s mother or father of material facts
24 relating to his treatment, such failure resulted in injuries and damages as hereinafter
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26

1 alleged, and such injuries and damages would not have occurred had they been fully
2 informed and made aware of material facts relating to the treatment.

3 9. INJURIES RECEIVED

4 9.1 Defendant's failure to exercise such skill, care and learning and failure to
5 exercise reasonable prudence was a direct and proximate cause of the injuries and
6 damages to L.C.S.T., as hereinafter alleged and was a direct and proximate cause of his
7 mother and father's claims of loss of consortium.
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9 9.2 Specifically, defendant's negligence caused L.C.S.T.'s aspergillus
10 meningitis and all harms resulting from it, including treatment and monitoring for it.

11 9.3 L.C.S.T.'s aspergillus meningitis has caused him to suffer personal
12 injuries, including but not limited to pain and suffering, loss of enjoyment of life, and
13 disability, both experienced and with reasonable probability to be experienced in the
14 future.
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16 9.4 Plaintiffs Virginia and Peter Tom have suffered personal injuries
17 including but not limited to grief, emotional distress, and loss of consortium.

18 10. EXPENSES INCURRED

19 10.1 Plaintiffs have incurred medical expenses due to the negligence of the
20 defendant. Plaintiffs will likely incur future medical expenses, and may also incur
21 future economic damages, the extent of which will be proven at the time of trial.
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23 11. STATUTORY PROVISIONS

24 11.1 Plaintiffs Virginia and Peter Tom, individually and as Co-guardians for
25 their minor child L.C.S.T., do not elect to submit this dispute to arbitration pursuant to
26 RCW 7.70A.020, and a declaration by their attorney is submitted herewith.


12. WAIVER OF PRIVILEGE

12.1 Waiver of the physician-patient privilege under RCW 5.60.060(4)(b) does not waive or release any other rights or privileges, including those related to the physician-patient relationship, other than the privilege set out in the above-cited statute.

WHEREFORE, plaintiffs pray for judgment against defendant in such amount as will be proven at the time of trial, together with such other and further relief as seems just and proper in the premises.

DATED: October 25th, 2019.

CHEMNICK MOEN GREENSTREET

By: 
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Attorney for Plaintiffs